

# **Libby Community Advisory Group**

## **Meeting Summary**

### **January 10, 2002**

#### **Introductions**

Gerald Mueller and members of the Libby Community Advisory Group (CAG) introduced themselves. A list of the members and guests in attendance is attached below as Appendix 1. Gayla Benefield welcomed Gary H. Spencer as a new member of the CAG.

#### **Agenda**

Mr. Mueller reviewed an agenda for this meeting including the following topics:

- Presentation by Cyrus Lee
- EPA Report
- ATSDR Report
- Community Health Center Report
- Televising CAG Meetings
- Public Comment

#### **Cyrus Lee Presentation**

CAG member Cyrus Lee addressed the meeting on two subjects, the needs of children and senior citizens. Regarding children, Cyrus recommended that a data base be created containing information on children who attended Plummer Elementary School since 1980, the date at which the ice rink was developed on the school grounds. Because it was built using material contaminated with asbestos, children who played at the site of the rink may have been exposed to asbestos fibers. Mr. Lee noted that the medical screening questionnaire did not include questions related to possible exposure at the Plummer school ice rink. He reminded the CAG that it has been told that because of the risks that x-rays pose to children, no test is now available to determine if Plummer school children have asbestos-related disease resulting from their exposure. Mr. Lee stated that a data base is needed to identify and monitor the health of children who attended Plummer Elementary since 1980. He argued that W.R. Grace or the federal agencies should fund creation of the data base. Mr. Lee also reported that he had been contacted by a senior citizen from Troy who has been diagnosed with asbestos-related disease, although she had no occupational exposure to asbestos. This person's doctor recommended water aerobics as a portion of her treatment. Unfortunately, no swimming pool is available to her. Mr. Lee recommended that some of the economic development money provided by the Congress at the request of Senator Burns be used for a community swimming pool complex. Finally, Mr. Lee asked the CAG to consider pursuing technical assistance funding that might be used to help establish a data base regarding the health and well-being of Libby citizens.

*CAG Member Comment - I agree with Mr. Lee that research is needed to monitor children who were exposed at Plummer School. The children may need medical care, and we can't wait twenty years to find out.*

*Comment by Dan Strausbaugh - This issue and other priority projects identified by the community should be brought to the attention of Dr. Spence, Chief Medical Officer for the State of Montana. He is coordinating with federal agencies to address unmet health needs of the Libby community.*

*CAG Member Question - Doesn't section 104(I)(5) of CERCLA, the federal Superfund statute, require the federal government to assess the adequacy of information about asbestos-related*

*health effects and to conduct research in areas where data gaps exist?*

Answer by Paul Peronard - In 1983, when CERCLA was passed, EPA was required to develop a toxological profile for asbestos, and it was developed. The law apparently does not assign responsibility for determining the need for additional research. There is much that we still do not understand about asbestos-related disease progression in cases of non-occupational exposure. More than Plummer School children are potentially at risk. Others such as those who used vermiculite in gardening or who worked at the nursery on the export plant site are also a concern.

*CAG Member Question - Over a year ago, I asked ATSDR to initiate research on asbestos-related health effects. Has anything been done?*

Answer by Dan Strausbaugh - Information from studies conducted by ATSDR/Health Studies in Libby (medical screening and CT study) Work at the University of Montana is another example of on-going asbestos-related health effects research. The director of ATSDR is aware that data gaps exist regarding asbestos health effects.

*CAG Member Question - Do we know any more today than a year ago about the children who attended school at Plummer Elementary since 1980?*

Answer by Dan Strausbaugh - ATSDR does not typically set up tracking data bases. The community should work to resolve this and other long-termed health issues in Libby beginning with local agencies and then work outward to state and federal governments to seek assistance.

*CAG Member Comment - I am concerned that ATSDR is attempting to turn over the work to local agencies and then leave town. We need ATSDR here.*

Answer by Dan Strausbaugh - As the ATSDR representative to Libby, I have no plans to stop attending CAG meetings or to cease working here. ATSDR will continue to work with the community, local, state and federal agencies to resolve health concerns in Libby.

*CAG Member Question - What is the first step towards getting a Plummer School data base established?*

Answer by Kirby Maki - The School District is attempting to develop information on past students. Doing so is a challenge, especially for children who spent some time in our schools and then left town. Even if we can locate the children, however, we don't know what information to give them. This problem is beyond our capability.

Answer by Dan Strausbaugh - Bringing your concerns to the attention of Dr. Spence, who plans to attend the next CAG meeting, would be a good step.

*CAG Member Question -Should the CAG write a letter to EPA seeking a grant for technical assistance?*

Answer by Jim Christiansen - The CAG cannot obtain a technical assistance grant until Libby is formally added to the Superfund National Priority List. After listing occurs, we will assist the CAG in securing a grant and with using it.

*CAG Member Comment - The CAG deserves credit for convincing Governor Martz to use the "silver bullet." One of our members, Clinton Maynard, deserves special thanks and recognition for identifying the silver bullet opportunity and for pursuing its use.*

Response - The CAG gave Mr. Maynard a standing ovation.

*CAG Member Question - Is the CAG willing to write a letter supporting use of the economic development funds for a swimming pool complex which could be used by people with asbestos disease?*

***CAG Action - The CAG agreed unanimously to draft a letter supporting use of the economic development funds for a swimming pool complex. Sandy Wagner agreed to draft the letter on behalf of the CAG and circulated a sheet for CAG members to sign that will be attached to the letter. A copy of the letter drafted by Ms. Wagner is attached as Appendix 2.***

## **EPA Report**

Paul Peronard and Jim Christiansen reported on behalf of EPA on the following topics.

### General Update

Paul Peronard stated that attention of the Libby team, including Chris Weis, Aubrey Miller, and himself, has been diverted to the terrorist attack in New York City and Washington DC and by the anthrax contamination at the U.S. Capitol and in the postal system. The team is now returning to normal work. Mr. Peronard reported that EPA has not yet received the letter from Governor Martz designating Libby as a Superfund site using the silver bullet authority. He introduced Jim Christiansen who will be joining the Libby team as the Remedial Project Manager once the NPL designation occurs. Mr. Christiansen is in Libby learning about the situation here. Mr. Christiansen's addition does not mean that any of the other team members will be leaving, or that Mr. Peronard's time in Libby will be reduced. Mr. Peronard stated that he will be starting on longer term projects that could not be tackled before now such as the methodical assessment of projects around town. The Superfund listing will be proposed in the Federal Register in February which will commence a 30 to 60 day comment period. The listing proposal can then be appealed to court. The final listing decision is expected in April or May.

### Remedial Project Manager

Jim Christiansen stated that he recognizes that with the use of the silver bullet listing comes high expectations. He hopes to earn the community's respect and trust by providing honest answers and a smooth transition from the emergency response to the remedial program. His goal is a quick and efficient cleanup of Libby within a two to three year time frame.

### Risk Assessment

Copies of the risk assessment prepared by Chris Weis are available at the EPA Information Center. The assessment indicates that two-thirds of the fibers found in Libby soil and air samples fall outside the fiber size range in past asbestos risk assessments. Fundamental work is needed to determine what this means. EPA hopes to have answers in the near term. The Libby risk assessment concludes that the vermiculite insulation in homes and businesses poses a greater risk to trades people such as cable installers and electricians than to the home or business owners. The risk for cancer for trades people is 1 in 100 or 1 in 1,000. We cannot assess the risk for asbestos-related disease.

### Vermiculite Insulation Action Memo

Mr. Peronard stated that he is compiling an action memorandum that will recommend that EPA remove vermiculite insulation from Libby homes and businesses. The agency has not yet made a decision. Three answers are possible: yes the agency will remove the insulation; no it will not; and the information is not sufficient for a decision at this time. A yes decision would be a

deviation from twenty years of EPA policy. An important issue in the decision is what should be done with vermiculite insulation in other areas of the country. W.R. Grace has requested a meeting with the EPA Administrator on January 31 to discuss the insulation removal. This meeting will probably bring this issue to a head and stimulate a decision.

#### Access Settlement

W.R. Grace creditors in the bankruptcy case did not contest the \$2.75 million payment by W.R. Grace for Libby asbestos-related health treatment, and the bankruptcy court has approved this expenditure. The final step before the money is released is approval of the settlement by Judge Molloy.

#### Burlington Northern (BN) Rail Yard

Mr. Peronard reported that the two rail lines nearest the river in the rail yard have been identified as hot spots of asbestos contamination. EPA is discussing cleanup options with BN, including disposal sites for contaminated material.

#### Stimson Mill

EPA is working with Stimson to resolve the mill's Superfund liability. Insulation in mill buildings will also be addressed along with Libby homes and businesses.

*CAG Member Question - Before she agreed to exercise the silver bullet, did Governor Martz negotiate conditions with EPA?*

Answer - You would have to ask Max Dodson about any negotiations. My understanding is that Governor Martz sought assurances about a quick time line for the cleanup, use of local workers, and protection for the local economy, all objectives that EPA would share.

*CAG Member Comment - The CAG should ensure that any conditions such as the time line are honored.*

*CAG Member Question - You mentioned that W.R. Grace will be meeting with the Administrator on January 31. What can the CAG do to help ensure that EPA will decide to remove the insulation from Libby homes and businesses?*

Answer - Letters from the CAG have meant a lot. I cannot think of a formal CAG request that has not been granted. Individual letters would also be helpful.

***CAG Action - An overwhelming majority of CAG members and audience members agreed to send a letter to EPA supporting removal of insulation from Libby homes and businesses. Sandy Wagner again agreed to draft the letter on behalf of the CAG and circulated a sheet for CAG members to sign that will be attached to the letter. A copy of the letter drafted by Ms. Wagner is attached as Appendix 3.***

*CAG Member Comment - I'm not sure if an overwhelming majority of the entire Libby community supports removal of the insulation. I need additional information before I can decide.*

Response - It is reasonable to ask questions about the insulation removal, including: what are we talking about regarding insulation removal, can EPA demonstrate the capability to remove the insulation, and why is it important to do so? Assuming EPA moves forward with removal, we may not choose to remove it from every house or business. Individual circumstances will matter.

*Audience Member Comment - On January 24, 2002 at 3:00 p.m., the County Commission will consider whether to support removal of the vermiculite insulation from Libby homes and businesses. It would be helpful if Paul Peronard could attend that meeting and provide documentation relevant for a decision to the Commission prior to that date.*

Response - Mr. Peronard said that he plans to attend and provide documentation before the meeting. He agreed to check on releasing a draft of his action memorandum recommending removal.

*CAG Member Comment - Over two years ago, my first question to Paul Peronard was what can we do to get the cleanup moving. He responded, we can check homes for contamination. I then asked what would happen if contamination is found? I told him that people were afraid that their homes would be condemned, and they would be kicked out of them. Paul responded that the homes would be cleaned up. When I asked Mr. Yellowtail, then the Region 8 Administrator about cleaning up the homes, he said Paul would decide.*

*CAG Member Question - How many Libby homes are on the county's registration of homes having the vermiculite insulation?*

Answer by Commissioner Windom - The registry contains over two hundred homes.

*CAG Member Question - You mentioned that two-thirds of asbestos fibers from Libby air and soil samples are outside the normal size range normally considered in past risk assessments. What is the normal range?*

Answer - Past risk assessments focused on fibers larger than 5 microns ( $\mu$ ) with a ratio of length to width greater than 3 to 1 and a width between 0.25 and 1.5  $\mu$ .

*CAG Member Question - In your risk assessment, are you assuming that the asbestos is tremolite?*

Answer - Traditional risk assessment methodology does not differentiate among asbestos mineral types. If tremolite is more toxic, then the calculated risk of disease is understated.

*CAG Member Question - You spoke of a risk of increased cancer for trades people working in an environment containing the vermiculite insulation. Do the risks you cited assume a trades person who lives in Libby and was subject to previous asbestos exposure, or someone from out of town with no previous exposure?*

Answer - The trades person is assumed to be an adult male with a forty year working life without previous exposure or multiple exposure paths. For this reason the cancer risk may be underestimated for some.

## **ATSDR Report**

Dan Strausbaugh reported on behalf of ATSDR on the following topics.

### Second Round of Medical Testing

The final batch of medical testing results were mailed to physicians last week and will be mailed to participants this week. Approximately seventeen cases remain, and letters describing their results should be sent out within the next couple of weeks.

### CT Study

Data from the study has been collected since September. Mailing of the results letters began in mid-December and should be completed by the end of this month. ATSDR should receive the completed data base from its contractor by late March or early April. The final study results should be out this summer.

#### CAG Questions from its December Meeting

At the last meeting, I was asked questions about agency authority to declare a public health emergency. Use of this authority is new to both EPA and ATSDR. EPA has the authority to declare the emergency on its own. EPA is considering doing so for the purpose of remediating vermiculite insulation in Libby homes. ATSDR will continue to work with EPA and state and local agencies and the Libby community to address public health concerns without making a public health declaration.

*CAG Member Question - Will ATSDR back a public health emergency declaration issued by EPA?*  
Answer- EPA can declare a Public Health Emergency independently of ATSDR. However, because EPA has not formally announced their decision, I cannot speak for ATSDR management at this meeting. We will wait and see what EPA says regarding any declaration before deciding whether or not we need to support it.

*CAG Member Question - The December 13 meeting summary refers to actions by public health agencies to eliminate the public health emergency through public health hospitals, all of which have been closed. Should we seek to have the CARD Clinic designated a federal hospital?*

Answer - The circumstances have changed from the time that the federal statute was passed authorizing action through public health hospitals. ATSDR does not have the funds necessary to address long-term medical health needs of Libby so simply changing the designation of the CARD Clinic would not be useful.

*CAG Member Question - Would your parent agency, the Department of Health and Human Services, have the necessary funding?*

Answer - No.

#### **Community Health Center Report**

Sandy Wagner reported on behalf of the Community Health Center (CHC). The CHC is a shining example of the community working together to solve problems. Three hundred and twenty-nine days after we began pursuing a facility, the CHC opened its doors. The first day, Dr. Tai saw ten patients. During the first four days, he saw forty-one patients. We are open from 9:00 a.m. to 5:00 p.m. with the exception of noon to 1:00 p.m. Seventy-five percent of patients are seen by appointment, and twenty-five percent without appointments. We intend to begin dental care by the end of February. We are not yet taking dental appointments, but we have a call list for those who want them. CHC now has seven employees: medical director, executive director, chief financial officer, case manager, medical records/dental assistant, certified medical assistant, and billing clerk. Our telephone number is 293-3755, and our address is 711 California Avenue. We were able to use local contractors during the Center's construction. Good things continue to happen on a daily basis. Furniture has been donated by Glacier Bank and from a doctors' office being remodeled.

*CAG Member Question - What is CHC's criteria for paying for service?*

Answer - Please contact CHC for your specific situation. The Center requires a sliding fee schedule depending on income. For patients in families with incomes between 100 % and 200% of the federal poverty guidelines, a fee reduction is allowed. For people with family incomes less than 100% of the poverty guidelines, the fee is \$5.00. For a family of four, the federal poverty guideline is \$34,000 per year.

*CAG Member Question - What documentation of income is required?*

Answer - For people with incomes, a Social Security statement, Workers Compensation statement, tax return, or a wage stub would work. For people with no income, a letter from a case worker or a minister would be sufficient.

## **Televising CAG Meetings**

Gayla Benefield said that people have asked her if CAG meetings could be televised on the local cable channel. Ms. Benefield has discussed the possibility with Kirby Maki. Mr. Maki has said that students could film the meetings for class credit, both during the school year and during the summer. Ms. Benefield has said that she will submit a proposal to the cable tv channel.

## **Public Comment**

*CAG Member Comment - Sandy Wagner and George Keck deserve a standing ovation for their work developing the CHC.*

## **Next Meeting**

The next meeting is scheduled for Thursday, January 24, 2001 from 7:00 to 9:00 p.m. in the Ponderosa Room of Libby City Hall. The agenda will include two presentations by Montana state employees. One will describe the social security benefits for people with asbestos related diseases and how to access the system and the other would discuss the availability of grants to provide people with transportation to access health care that was not available in their immediate area.

## **Appendix 1**

### **CAG Member & Guest Attendance List January 10, 2002**

<b>Members</b>	<b>Group/Organization Represented</b>
K.W. Maki	Libby School District #4
Sandy Wagner	Lincoln County Community Health Center (LCCHC)
George Keck	LCCHC
Clinton Maynard	Area Asbestos Research Group
Rick Palagi	St. John's Lutheran Hospital
Cyrus Lee	Kootenai Valley Headstart
George Bauer	City of Libby
Bob Dedrick	Asbestos Victim
Jim Christiansen	USEPA
Paul Peronard	USEPA
Dan Strausbaugh	ATSDR
Leroy Thom	Former W.R. Grace employee
Gayla Benefield	LCAVRO
Mike Switzer	Asbestos Victim
Norita Skramstad	Asbestos Victim
Dr. Brad Black	Lincoln County Health Officer/CARD

Robert H. Foote  
Rep. Eileen Carney  
David Latham  
Gary H. Spencer

Libby Ministerial Association  
State Representative  
*The Montanian Newspaper*  
Citizen

**Appendix 2**  
**Community Advisory Group**  
**501 Mineral Avenue**  
**Libby, MT 59923**

January 15, 2002

Libby Pool Committee  
P.O. Box 944  
Libby, MT 59923

Re: Libby Aquatic Center

Dear To Whom It May Concern:

The Community Advisory Group, a diverse cross section of the Libby community who have worked together for the past two years to address the many asbestos related issues, strongly support the Libby Pool Committee's effort to secure funding for an aquatic center for the greater Libby area.

This center will provide the Libby area with many benefits. We are a community who continues to feel the restraints of a depressed economy. The pool complex will provide our citizens with an affordable recreational activity for all ages. It will add yet another reason for people to visit our community. Thirdly, this project will serve the medical needs of many individuals. As we all know there is no cure for asbestos related disease. The management of this disease is intensely impacted by life style. The accessibility of water therapy for these persons will be yet another way in which we can all assist with the impact and treatment of this life threatening illness.

This project demonstrates positive economic development for Libby; provides an unlimited recreational opportunity for our local citizens as well as our visiting guests; and it addresses a very critical and specialized medical need for many of our citizens.

We hope that you will support the Libby Aquatic Center proposal to the fullest extent possible.

Sincerely,

Community Advisory Group